Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-6042

RONALD DALE WARDIUS,

Petitioner,

—v.—

OREGON,

Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF OREGON

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

May 22, 1970—Indictment filed in Circuit Court of State of Oregon for Lane County.

June 8, 1970—Arraignment.

June 10, 1970—Plea.

September 16, 1970—Trial of Action Commenced.

September 16, 1970—Trial proceedings (29-39; 40-42).

September 16, 1970—Verdict of Court.

November 23, 1970—Sentence.

November 23, 1970—Petitioner files Notice of Appeal.

August 26, 1971—Opinion of the Oregon Court of Appeals.

September 17, 1971—Letter of Court of Appeals denying Petition for Rehearing.

November 16, 1971—Letter of Supreme Court denying Petition for Review.

May 30, 1972—Letter of United States Supreme Court granting Petition for Writ of Certiorari.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

No. 99231

THE STATE OF OREGON, PLAINTIFF

vs.

RONALD DALE WARDIUS, DEFENDANT

INDICTMENT—Filed May 22, 1970

The above named RONALD DALE WARDIUS is accused by the Lane County Grand Jury by this Indictment of the crime of ILLEGAL SALE OF NARCOTICS committed as follows:

The said RONALD DALE WARDIUS on or about the 21st day of May, 1970, in the county aforesaid, did then and there wilfully and unlawfully sell the narcotic drug marihuana to Richard J. Harp; contrary to statute and against the peace and dignity of the State of Oregon.

Dated this 22nd day of May, 1970, at Eugene, Lane County, Oregon.

* * * *

ARRAIGNMENT—Filed June 8, 1970

[Caption Omitted in Printing]

This matter coming on before Honorable Edwin E. Allen, Circuit Judge, this 8th day of June, 1970, the State of Oregon appearing by Greg Hartstrom, Deputy District Attorney for Lane County, Oregon, and the defendant Ronald Dale Wardius, appearing in person and being represented by his attorney, John Meyer, having been indicted by the Grand Jury of Lane County, Oregon, upon a charge of the crime of "ILLEGAL SALE OF NARCOTICS",

Said defendant was then arraigned by having the Indictment read to him in open Court and a true copy thereof, including all endorsements thereon handed to his attorney.

IT WAS ORDERED that said defendant enter his plea on Wednesday, June 10, 1970 at 9:00 a.m.

Dated this 8th day of June, 1970.

* * * *

PLEA—Filed June 10, 1970

[Caption Omitted in Printing]

This matter coming on before Edwin E. Allen, Circuit Judge, this 10th day of June, 1970, the State of Oregon appearing by John E. Moore, Deputy District Attorney for Lane County, Oregon, and the defendant, Ronald Dale Wardius appearing in person and being represented by his attorney, John Meyer, said defendant having been arraigned upon a charge of the crime of "ILLEGAL SALE OF NARCOTICS" and this being the time fixed for said defendant to enter his plea. Thereupon said defendant entered his oral plea of "Not Guilty" to the crime of "ILLEGAL SALE OF NARCOTICS".

Dated this 10th day of June, 1970.

* * * * *

TRIAL ENTRY—Filed September 16, 1970

[Caption Omitted in Printing]

The above entitled cause came duly on for trial before the Honorable Edward Leavy, the State of Oregon appearing by J. Patrick Horton, Deputy District Attorney for Lane County, Oregon, and the defendant, Ronald Dale Wardius, appearing in person and by his attorney, John Meyer, and the issues herein being joined and this being the time fixed for trial, and the defendant having filed his Election to Waive Jury,

Trial proceeded, and after hearing all the evidence and argument of counsel, the court, being fully advised,

find the defendant Ronald Dale Wardius, guilty of the crime charged in the Indictment. Imposition of sentence deferred and pre-sentence investigation ordered. Bail continued.

Dated this 16th day of September, 1970.

* * * *

PERTINENT PORTIONS OF THE TRIAL RECORD
Filed September 16, 1970

[Caption Omitted in Printing]

[MR. MEYER]: Q Would you state your name and address for the Court Reporter, please?
A Colleen McFadden, 3792 Stewart Road.
Q Is that in Eugene?
A Yes, it is.
Q And how old are you?
A 19.
Q Do you know the defendant seated here on my right, Ron Wardius?
A Yes, I do.
Q How long have you know [sic] him?
A For about four years.
Q Did you see him at all during the month of May or around in June of this year?
A Yes, I did.
Q And was this a business relationship or did you go out with him? Are you a relative, or just what is it?
A I was dating him at the time.
Q And were you working at that time?
A Yes, I was working at Saunders Cleaners.
Q And when did you start to work there?
A About May 13th.
Q Now, directing your attention to the night of May 21st, 1970, did you have an occasion to see Mr. Wardius?
A Yes. I went to the show with him that night.
MR. HORTON: Well now, I am going to object, Your Honor, and ask that that statement be stricken

from the record, if we are getting into an area here of alibi.

May I ask a question in aid of an objection?

THE COURT: All right.

MR. HORTON: What time was it that evening, Ma'am, that you went—you first saw the defendant?

A He came and picked me up at about 7:30 that night.

MR. HORTON: Did you see him at any time during the day?

A No, I didn't because I worked till six.

MR. HORTON: How long were you with him that evening?

A Till about 12.

MR. HORTON: We would ask that it be stricken from the record, Your Honor, and we would object under the Alibi Statute. There appears to be no—to my knowledge the record of this case appears to be no compliance with the statutory compliance of notice being given to the State in this case of an alibi.

THE COURT: So far I can't tell whether it's evidence of an alibi. So your motion to strike is denied.

Q (By Mr. Meyer) Were you with him—well, what time did you see him—that you first saw him, about?

A He came and picked me up at 7:30.

Q And where did you go?

A We went to the drive-in.

Q And what time did you go to the drive-in?

A He came and picked me up at 7:30; we got there probably about quarter to 8, or so.

Q And how long were you at the drive-in theatre?

A Till about 11:30.

Q Was Mr. Wardius there at the drive-in with you all the time?

A Yes he was.

MR. HORTON: Well, I renew my objection at this time, Your Honor, for the same grounds on the same basis.

THE COURT: I will hear you, Mr. Meyer.

MR. MEYER: If it pleases the Court, during the recess I provided counsel with the case of Johnny Wil-